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REPORT OF THE SECRETARY-GENERAL ON THE SITUATION IN SOMALIA

I. INTRODUCTION

1. The present report is submitted in response to the Security Council's request on 14 December 1995 for a written report on recent developments in Somalia and pursuant to the statement by the President of the Council of 6 April 1995 (S/PRST/1995/15). In that statement, the Council supported my view that, even after the termination of the mandate of the United Nations Operation in Somalia (UNOSOM II), Somalia should not be abandoned by the United Nations, which should continue to assist the Somali people to achieve a political settlement and to provide humanitarian and other support services provided that the Somalis themselves demonstrated a disposition to peaceful resolution of the conflict and cooperated with the international community. The Council also requested me to continue to monitor the situation in Somalia and to keep it informed about further developments. The present report covers the period since my last report on the situation in Somalia (S/1995/231) dated 28 March 1995.

II. POLITICAL DEVELOPMENTS

2. In my letters of 18 April 1995 (S/1995/322) and 31 May 1995 (S/1995/451), I informed the Security Council of my decision to establish a small political office, headed by a representative at the D-2 level, and to have it operate out of Nairobi until circumstances would allow it to be transferred to Mogadishu. The Council's agreement with this decision was conveyed in a letter addressed to me by the Presdident on 2 June 1995 (S/1995/452). Since the establishment of the United Nations Political Office for Somalia (UNPOS), its Director has been monitoring political developments in Somalia and has opened contacts with all major Somali factions except those of the North-west. Several Somali leaders have expressed appreciation, through him, to the international community for not abandoning Somalia and especially for the continued humanitarian assistance to the country. UNPOS has been providing useful political reports, which have been the basis of regular oral briefings to the Security Council through my special representative, as well as to donor countries, other interested Member States and United Nations agencies.

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3. In May 1995, consultations of the local clans (Digil and Mirifle) in the Bay and Bakool regions on local governance led to the coming together of the three Somali Democratic Movement (SDM) factions that had been contending for power there. Though one of the leaders associated with General Aidid later withdrew from the consultations, some members of his faction participated until the end. Their efforts resulted in the establishment of a regional authority for the two regions, centring on a supreme governing council with rotating leadership. That authority became a focal point for cooperation with the international aid community and it settled a number of disputes. However, on 19 September 1995, it came to an abrupt end with the incursion of General Aidid's militia into Baidoa.

4. Also in May 1995, the feud between General Aidid and his former collaborators, under the leadership of Mr. Osman Atto, led to a split within the United Somali Congress/Somali National Alliance (USC/SNA). Mr. Atto declared that General Aidid was no longer leader of the SNA. On 19 May, the central committee of the USC/SNA, convened under the leadership of Mr. Atto, resolved that that faction would, inter alia, work towards the reunification of the parent USC political movement and the convening of an all-inclusive national reconciliation conference. The meeting also issued an appeal to the United Nations to open its political office in Mogadishu.

5. On 11 June 1995, the Congress of the USC/SNA elected Mr. Atto to replace General Aidid as its Chairman. The Congress was attended by a guest delegation from north Mogadishu led by a senior adviser to Mr. Ali Mahdi of the Somali Salvation Alliance (SSA). In his message to that Congress, Mr. Ali Mahdi declared that the SSA recognized Mr. Atto as the legitimate Chairman of the USC/SNA and urged the new leadership to work for the reunification of the parent USC political movement.

6. General Aidid, for his part, condemned his ouster as Chairman of the USC/SNA, characterizing it as a decision by "foreign-manipulated political opportunists". He also renewed his claim that his south Mogadishu reconciliation conference was still alive, although it was known by then that his key supporters, notably Colonel Abdullahi Yusuf of the Somali Salvation Democratic Front (SSDF), had left the conference and were calling for a fresh all-inclusive national reconciliation conference.

7. On 15 June 1995, General Aidid's conference appointed him as "Interim President" of Somalia for a transitional period of three years. Colonel Abdullahi Yusuf condemned General Aidid's appointment as an obstacle to the process of national reconciliation and reiterated his call for a genuine, all-inclusive national reconciliation conference. The appointment was also rejected and condemned by several other Somali political factions. Nevertheless, General Aidid sought recognition for his "Government" by the Organization of African Unity (OAU) during the latter's summit meeting. OAU rejected his request and instead urged all Somali factions to work for a broad-based Government.

8. Other attempts by General Aidid to gain international recognition for his "Government" have so far not succeeded. Reports that it had been recognized by the Libyan Arab Jamahiriya have been denied by that country's Government. No

other country has indicated any intention to recognize it. However, Mr. Ali Mahdi and other Somali leaders have criticized alleged Libyan support for General Aidid's "Government", including the reported supply of military assistance to it.

9. The deployment of General Aidid's and Mr. Ali Mahdi's militias along the "green-line" has kept up the tension in Mogadishu. Mogadishu international airport has been closed since the withdrawal of UNOSOM II. The seaport has remained closed since October 1995, as a result of the so-called banana war in which Mr. Ali Mahdi and Mr. Atto ordered the halt of banana exports, accusing two banana companies of supporting General Aidid. Mr. Ali Mahdi's side, having dredged access to a small jetty at El Ma'an in the north of Mogadishu, has set certain conditions for the reopening of the seaport.

10. Sporadic inter-clan fighting between the Abgal and Murusade sub-clans has also kept Mogadishu tense in spite of the constant efforts of elders from these sub-clans of the Hawiye to work out a peace accord. The Abgal/Murusade fights have also spread north-eastwards to the Galgadud region, where these two sub-clans live side by side.

11. Meanwhile, on 14 July 1995, Mr. Ali Mahdi and Mr. Atto declared in Mogadishu their intention to send a joint delegation of the SSA and the SNA to Kenya and other countries on a diplomatic mission to inform them of developments in Somalia. On 27 July, President Daniel arap Moi of Kenya received this delegation, which included all Somali factions with the exception of the Somali National Movement (SNM) of the North-west and General Aidid's supporters. He urged the Somali faction leaders to compromise among themselves in order to find a broad-based solution to their problems. They subsequently held several meetings in Nairobi concerning the possible organization of a preparatory meeting for a national reconciliation conference. Mr. Ali Mahdi called on the United Nations to play a mediating and facilitating role with respect to these meetings. Several other Somali leaders voiced similar appeals.

12. The four weeks of negotiation by these Somali leaders in Nairobi resulted in an agreement on 17 August to work out a common political platform that would lead to a preparatory meeting for a national consultation conference that would, in turn, create a transitional governing mechanism for Somalia. They called on General Aidid and Mr. Mohamed Ibrahim Egal (of the North-west) to join a common political platform by renouncing at least for the time being their respective claims to their "presidencies".

13. A further meeting of Somali leaders in Jeddah in September 1995, at the invitation of the Organization of the Islamic Conference (OIC), presented an opportunity to advance consultations on the implementation of the basic agreements reached in Nairobi. It was agreed to form a seven-member national coordination committee no later than 10 October 1995 and also to draft a common political platform that would unite all factions, not later than 30 November.

14. On 17 September, however, General Aidid attacked and occupied Baidoa and its environs, ostensibly to mediate a conflict between local sub-clans. In the course of this campaign, General Aidid's forces held hostage 12 United Nations and 8 international non-governmental organization (NGO) staff, as well as

1 Australian national; they also looted United Nations property. After several days in detention, all international personnel were released unharmed, although they had been badly treated. Since then, General Aidid has been in control of Baidoa while the militia of the displaced local clan, which has organized itself as the Rahanwein Resistance Army (RRA), continues to engage his forces in the town's environs.

15. The occupation of Baidoa by General Aidid has delayed the efforts of the SSA and Mr. Atto's SNA for national reconciliation. Some Somali leaders believe that serious progress towards national reconciliation would be possible only after the removal or withdrawal of General Aidid from Baidoa and the rescinding of his unilateral proclamation of himself as "President" of Somalia.

16. Nevertheless, other efforts for reconciliation and peace at the regional and inter-clan levels have been under way. Among these were several meetings between the Hawadle and the Habr Gedir clans and an agreement-in-principle reached in Nairobi in September between the Marehan and the Habr Gedir clans in the central region.

17. In southern Somalia, members of the Darod clan family (Harti, Marehan and Absame) met in Kismayo from October to December 1995 in order to solve their long-standing problems that had led to major fighting in and around Kismayo on several occasions. At the conclusion of their conference, they resolved, among other things, to have a joint military structure to prevent destabilizing moves in the area. Progress in intra-Darod reconciliation has now led to an attempt to reconcile the Darod and the Hawiye in Kismayo. With logistic support from the Office of the United Nations High Commissioner for Refugees (UNHCR), the Director of UNPOS paid a visit to Kismayo, together with the Special Envoy of the European Commission to Somalia, and exchanged views with all key leaders involved in the conference. If the momentum can be sustained, this regional effort could have important implications for national peace in view of the area's links with the north-east through clan affiliation.

18. In north Mogadishu, a meeting between the different wings of the USC was convened towards the end of 1995, with the aim of uniting them under one umbrella organization that could speak for the entire Hawiye clan (to which both Mr. Ali Mahdi and General Aidid belong). General Aidid has, however, not so far been represented at that meeting.

19. Members of the Council may recall that strenuous efforts were made by UNOSOM II to resolve intra-Hawiye differences as an important step towards a final solution of the Somali problem, given the Hawiye's predominance in Mogadishu and its environs. While those efforts contributed to the relaxation of some of the tensions, they did not lead to a pan-Hawiye peace. Progress in unifying the USC would not only result in the reopening of the seaport and the airport in Mogadishu but also give a boost to the efforts for peace in Somalia.

20. In the north-west of the country, despite Mr. Egal's announcement on 27 June of an amnesty for the opposition, intermittent fighting has continued between the Egal administration and the opposition militia loyal to Mr. Abdirahman Ali Tur in the outskirts of Hargeisa and from Burao to the Ethiopian border. Fighting also broke out between Mr. Egal's forces and those

of the Issa clan, straddling the border between Somalia and Djibouti, causing Djibouti to put its troops on alert in August.

21. During the past months, regional organizations have continued their efforts to restore peace in Somalia. In addition to the position taken by OAU at its summit meeting in June 1995, the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution on 19 December 1995 renewed its appeal to the Somali factions to desist from all activities that could plunge their country into a situation of generalized warfare and to work towards the promotion of national dialogue and national reconciliation. The Central Organ recommended the dispatch of another OAU mission to Somalia to assess the situation and engage the various factions in further dialogue. The OAU statement was welcomed by both the SSA and the SNA led by Mr. Atto. However, General Aidid's "Foreign Minister" denounced the OAU position on Somalia and accused it of interfering in the internal affairs of the Somali people. OAU later reiterated its unwavering support for all efforts towards peace and reconciliation through dialogue between and among the Somali factions.

22. The League of Arab States (LAS), following its mission to Somalia in December 1994, has continued to maintain channels of communication with all Somali factions and personalities. It has proposed the convening of a meeting of all international and regional organizations interested in Somalia in order to reach a common understanding to ensure assistance to the Somali people and a peaceful solution to the conflict. It has also proposed a joint mission of high-level representatives of international and regional organizations to visit Somalia and to meet with all relevant personalities and factions to convey the resolve of the international organizations to assist the Somali people and to express the hope that a conference on national reconciliation may be convened at any venue of their choice. LAS has announced its readiness to host such a meeting as well as any related preparatory meetings.

23. The OIC initiative of September 1995 in providing a forum for Somalis to advance their consultations has already been noted. In addition, at its twenty-third annual Foreign Ministers meeting from 8 to 13 December 1995, OIC called for a continued "joint approach" by the United Nations, OIC and LAS, and requested the OIC Secretary-General to send a contact group to urge the Somali parties to resume their dialogue with a view to achieving national reconciliation. It also called for the convening of "an international conference on peace and national reconciliation in Somalia" with the participation of all the Somali parties and all the concerned international and regional organizations.

24. The European Commission is sponsoring a study that would allow a Somali discussion of several options and models for the future system of government.

III. SECURITY SITUATION

25. Since the withdrawal of UNOSOM II, the security situation in Somalia has been characterized by political instability, inter-clan conflict, banditry and general lawlessness; however, conditions vary greatly from region to region.

26. In central Somalia, international staff were relocated from Mogadishu in March 1995 in conjunction with the withdrawal of UNOSOM II. A security assessment was conducted in April 1995 that determined that international staff could return to the city on an infrequent basis and only for short periods of time. It was hoped that, as the situation improved, international staff would be able to return on a permanent basis. However, this has not been possible because of continued inter-clan fighting in the city and the closure of both the airport and seaport. In the Lower Shabelle, Bay area and the Galgadud also, inter-clan fighting continues to prevent United Nations agencies from operating.

27. United Nations agencies continued to operate in Kismayo and the Juba valley following the departure of UNOSOM II, although the security situation has deteriorated during the past six months. International staff have been threatened, beaten and held for ransom; warehouses have been looted; and United Nations compounds in Kismayo have been fired on. Fighting in the vicinity of Kismayo in early December 1995 led to the decision to relocate international staff from the city on a temporary basis.

28. In south-western Somalia, international staff were relocated from Baidoa following its capture in September 1995 by forces loyal to General Aidid. As already noted, in the course of this operation, United Nations staff were illegally detained and mistreated and United Nations equipment was looted.

29. Despite the existence of these pockets of conflict, several areas of relative peace also exist in Somalia, notwithstanding periodic tension and minor conflict, allowing largely uninterrupted operations by United Nations programmes. These include the Gedo region, the whole of the Northeast region from Galcayo to Bossaso, the Middle Shabelle region and north-western Somalia. Many of the regional and district administrations that came into being with the assistance of UNOSOM II continue to operate in these regions.

30. The growing trend towards a general acceptance of the Shariah court as an instrument for stamping out lawlessness has continued in a number of regions. Religious leaders in north Mogadishu, which is the headquarters of the Islamic Shariah Implementation Forum and where the Shariah court is said to have been effective in reducing acts of banditry and lawlessness, have launched a campaign to establish Shariah courts throughout the country. Faction leaders, elders and religious leaders in Bay, Bakool, Gedo, the North-east, Hiran and the Lower Juba regions have agreed to the opening of Shariah courts in some cities.

IV. HUMANITARIAN ASPECTS

31. In spite of continuing insecurity and the difficulties of operating in Somalia, United Nations agencies and their international and Somali partners have so far managed to deliver substantial emergency and rehabilitation assistance in those parts of the country where security conditions permit. During the first 10 months of 1995, the World Food Programme (WFP) has provided food assistance to over 1.6 million beneficiaries, 90 per cent through food-for-work support and 10 per cent through emergency food aid. The United Nations Children's Fund (UNICEF) supports 125 maternal and child health (MCH) centres, 85 out-patient dispensaries, 412 health posts and 20 hospitals

throughout Somalia. The World Health Organization (WHO) continues to provide technical supervision, together with drugs, reagents and needed supplies to 14 tuberculosis treatment projects in Somalia. In the education sector, the United Nations Educational, Scientific and Cultural Organization (UNESCO), in collaboration with its partners, supports over 1,000 secular and Koranic primary schools, catering for about 230,000 children. More detailed achievements of the past year are reflected in my report to the General Assembly (A/50/447).

32. However, the preliminary results of a survey by the WFP Food Security Assessment Unit, suggest that the poor 1995 Gu (July-August) harvest of sorghum and maize in central and southern Somalia will mean a shortfall of at least 150,000 tons compared to last year. Based on the Unit's assessment of stocks from the previous year's production, present cereal stocks are expected to be just enough to see the population through to the Der (October-January) harvest. Forecasts for the Der harvest, which usually contributes 15 to 20 per cent of the overall cereal production, indicate a crop production of approximately 110,000 tons, which is reasonably good. However, even if this figure should hold, cereal availability in southern Somalia could deteriorate by early April of 1996, causing a significant deficit in southern Somalia until the 1996 Gu harvest.

33. Despite predictions of shortages in all sectors, thousands of Somali refugees, mainly from Kenya, have decided to return home, including over 40,000 refugees repatriated with the assistance of UNHCR during 1995. Their return puts an additional burden on already fragile local infrastructure and it is vital to address their reintegration needs.

34. It is the current assessment of the humanitarian agencies that there is not yet an emergency situation, although one could be developing. Should trends continue negatively, it is believed that there will be localized emergency situations from January or February 1996 onwards, arising from a combination of factors. The assistance required with regard to food is to limit the period of food shortage by ensuring a good Der season. To this end, the provision of agricultural inputs to food-producing communities and the protection of cultivated crops is essential.

35. Another key element contributing to the potential increase in humanitarian needs is the closure of Mogadishu's main seaport. As the most important entrepôt in the region, Mogadishu is the principal conduit through which imported foodstuffs enter Somalia. It is also the conduit for hard-currency-generating exports, such as livestock and bananas. The closure of the port from the beginning of last October has already resulted in a sharp increase in the prices of goods, particularly foodstuffs and fuel. Baidoa is seen as the most vulnerable area, followed by Mogadishu and then Kismayo and Jilib. The depth of the crisis will depend on the extent that alternative ports to Mogadishu, particularly Merca, El Ma'an and Bossaso, can be used instead of Mogadishu. However, Merca is vulnerable to insecurity, and priority there is currently given to banana exports because it is a source of hard currency earnings for General Aidid.

36. In November 1995, 10 United Nations agencies (the Food and Agriculture Organization of the United Nations (FAO), the International Civil Aviation

Organization (ICAO), the United Nations Development Programme (UNDP), UNESCO, UNHCR, UNICEF, the United Nations Development Fund for Women (UNIFEM), the United Nations Volunteers programme (UNV), WFP and WHO) identified their most critical programmes and urgent funding requirements for 1996. In the non-food sector, the 1996 funding requirements total about $40 million. This one-year requirement is $5 million less than the total non-food requirements requested in the consolidated inter-agency appeal for Somalia for the first six months of 1995. This reduction is the result of United Nations agencies' efforts to prioritize their requirements and more carefully plan the most crucial activities that can be realistically implemented in the current context of Somalia. It should be noted that these prioritized resource requirements represent in most cases the minimum that is necessary to maintain humanitarian operations in Somalia.

V. OBSERVATIONS

37. The political situation in Somalia has been dominated by a debilitating stalemate for almost two years since the Somali faction leaders failed to honour their commitments in the Nairobi declaration of 24 March 1994 (S/1994/614, annex 1), centring on the agreement to convene an all-inclusive national reconciliation conference and form a Government by May 1994. While there has been no major progress towards national reconciliation, the worst scenario, i.e. an all-out civil war, has however been averted.

38. The widely felt frustration seems to have engendered some new political trends. It has contributed to the split in the USC/SNA, which, together with other factors, may have led General Aidid to declare a "Government" without the consent of other key political factions. However, this "Government" has not been recognized by any Member State or regional organization.

39. Another significant trend has been the emergence of regional administrations as a result of initiatives by faction and community leaders. Frustrated with the political stalemate in Mogadishu, many political leaders are now focusing on the development of regional administrative structures and a peaceful climate in their regions to enable their constituencies to benefit from international assistance.

40. It is unclear at this point whether such regional authorities will be formed in most of the regions in Somalia and, if so, what constitutional character they will assume; the Somalis seem to be divided in their view as to whether these regional authorities should constitute the basis for a federal system of government or whether they should simply represent a degree of regional autonomy. Given the nature of Somali politics, however, the importance of sustainable peace at the local and inter-clan levels is obvious. What is also clear is the need for a central governing authority that can take charge of the many responsibilities that have been left unattended for so long. It is my hope that further progress in establishing regional authorities, begun under UNOSOM II, will have a beneficial impact on efforts to establish a central authority in the near future.

41. Durable peace cannot be achieved in Somalia without a process of sufficiently broad-based consultations among the Somalis themselves. It is heartening that Member States and regional organizations have not lost interest in developments in Somalia, despite many disappointments. They have consistently called for a negotiated settlement, which should encourage all the Somali factions to work towards peace and a broad-based Government. The Security Council, for its part, might wish to reiterate its call on all Somali parties, especially those who have of late adopted a unilateral approach, to return to an inclusive process of consultation and negotiation. In that process, it is undesirable for any outside party to intervene in favour of one or other of the Somali factions, for such support could tilt the delicate balance among the latter with negative consequences.

42. Many Somali leaders have requested the United Nations, through UNPOS, to support some of their peace initiatives financially and logistically. UNPOS has no resources for such support. In any case, the Somali leaders need to understand the profound sense of disappointment and even doubts about their sincerity for peace that some of their past actions have caused. They also need to realize that the financial crisis currently facing the United Nations militates against provision of the kind of support they want from the international community. Their best hope of attracting such support would be to give some first signs of concrete progress towards peace and reconciliation.

43. It is my intention to maintain UNPOS in Nairobi for the time being. It will continue its efforts to maintain and expand contacts with all Somali parties concerned, while coordinating its activities with interested Governments and regional organizations, in particular OAU, LAS and OIC.

44. The low level of food production, continued political instability and other factors combine to make international assistance to Somalia essential. The experience of the humanitarian agencies and their partners in 1995 leads them to believe that work is feasible and can be pursued with relative continuity from the Mudug Region northwards, which represents roughly half of Somalia's geographic area. Security in the area from South Mogadishu to the end of the Juba valley, including Bay and Bakool regions, is assessed as uncertain and work there requires more caution. Unfortunately, this is also the area where large populations are assessed as facing impending humanitarian crises and where the largest number of Somali returnees are repatriating from neighbouring countries.

45. The United Nations agencies believe that, even in the worst-case scenario, their continued operations could play an important role in preventing another major humanitarian crisis from taking place in Somalia, while the drawing down of their activities could have the opposite effect, particularly in the southern regions.

46. The humanitarian needs of the Somalis are expected to be at least as great in 1996 as during the past two years. The most urgent humanitarian needs are food and essential health systems support, particularly immunization and measures to control the spread of epidemic diseases such as cholera. Other priorities are the stimulation of agricultural production and the empowerment of local populations. In order to maintain and, wherever possible, improve upon the gains that have been made in providing services during the past three years,

United Nations agencies plan to continue their current programmes in 1996, resources and security permitting, with the possibility of a rapid expansion in case of acute nutritional problems and/or emergency. I urge the international community to respond generously to the calls for assistance by the humanitarian agencies. At the same time, I wish to stress once again the responsibility of all the Somali parties to ensure the security of the courageous and dedicated humanitarian workers who have recently suffered a number of casualties.

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REPORT OF THE SECRETARY-GENERAL ON THE SITUATION CONCERNING WESTERN SAHARA

I. INTRODUCTION

1. In its resolution 1033 (1995) of 19 December 1995, the Security Council welcomed my decision to intensify my consultations with the two parties to the settlement plan for Western Sahara in an effort to obtain their agreement to a plan to resolve differences hindering the timely completion of the identification process.

2. With this objective in mind, a mission headed by Under-Secretary-General Chinmaya R. Gharekhan, acting as my Special Envoy, visited Rabat (2-4 January), Tindouf (4-5 January), Nouakchott (5-6 January) and Algiers (7-9 January). Besides staff members of the Office of the Secretary-General and the Department of Political Affairs, Mr. Erik Jensen, Acting Special Representative of the Secretary-General for Western Sahara, participated in the mission.

3. The present report sets out the findings and conclusions of my Special Envoy's mission as requested by the Security Council in paragraph 4 of its resolution 1033 (1995). It also addresses, under separate headings, the progress of the work of the Identification Commission in recent months, the activities of the military and civilian police components and other aspects relevant to the fulfilment of the settlement plan.

II. MY SPECIAL ENVOY'S MISSION

4. In Rabat, my Special Envoy was received, in separate meetings, by the Prime Minister and Minister for Foreign Affairs and Cooperation, Mr. Abdellatif Filali, and the Minister of the Interior and Information, Mr. Driss Basri. In Tindouf, he met with the Secretary-General of the Frente Popular para la Liberación de Saguia el-Hamra y Rio de Oro (Frente POLISARIO), Mr. Mohamed Abdelaziz, and had intensive discussions with a delegation headed by Mr. Mustafa Bachir Sayed, Frente POLISARIO Coordinator with the United Nations Mission for the Referendum in Western Sahara (MINURSO). He also made a visit to the Smara refugee camp, where he met with sheikhs and notables. In Nouakchott,

the mission had meetings with President Maaouya Ould Sid'Ahmed Taya, Prime Minister Sheikh El Avia Ould Mohamed Khouna and the Minister for Foreign Affairs and Cooperation, Mr. Mohamed Salem Ould Lekhal. Finally, in Algiers, Mr. Gharekhan had meetings with President Liamine Zeroual, Prime Minister Ahmed Ouyahya and the Minister for Foreign Affairs, Mr. Ahmed Attaf.

5. Both in Rabat and Tindouf, my Special Envoy stressed the need for both parties to take urgent steps to overcome their differences relating to the implementation of basic aspects of the settlement plan in order to provide a basis for the Security Council to support the continuation of MINURSO. He advised that, in case there was no progress at all towards a meaningful resumption of the work of the Identification Commission, the Secretary-General would be obliged to inform the Council accordingly in his forthcoming report. My Special Envoy brought to their attention the Council's request to me, contained in its resolution 1033 (1995), to provide it with options for its consideration, including a programme for the orderly withdrawal of MINURSO in the event the intensified consultations undertaken by the special mission failed to lead to agreement.

6. Both sides confirmed their commitment and continuing desire to hold a free and fair referendum on the future status of Western Sahara in conformity with the settlement plan. They assured my Special Envoy of their readiness to cooperate fully with the United Nations in order to overcome the obstacles standing in the way of the implementation of the plan. At the same time, each of the parties insisted that there was no room left for additional concessions on its part. Consequently, each party stressed that progress was contingent on the readiness of the other party to adjust its position as required. Whereas both Morocco and the Frente POLISARIO felt that the United Nations ought to impose adjustments on the position of the opposing side, it was clear that they would reject any attempt by the United Nations to impose changes on their own position.

7. It emerged from the meetings in Rabat that Morocco adhered to its position as regards the identification of applicants remaining to be processed by the Identification Commission. Morocco underlined that it was the Commission's duty to process each and every application submitted before the expiry of the deadline established for that purpose, irrespective of the present place of residence of the applicant. Furthermore, the same procedures must be applied to all applications. Morocco also insisted that the Identification Commission must give equal weight to all forms of evidence offered by applicants in support of their claims to eligibility, be it documentary proofs or oral testimony.

8. In a meeting with Mr. Bachir in Tindouf, my Special Envoy urged the Frente POLISARIO to cooperate in the identification of all remaining applicants in accordance with the settlement plan and in conformity with the arrangements agreed upon with the parties for the purpose of their participation in the process. Specifically, each party was expected, inter alia, to make available a sheikh or an alternate to assist the Identification Commission. My Special Envoy noted that the plan made it incumbent on the Commission to process all applications submitted on time.

9. Following this meeting, Mr. Bachir agreed that the Frente POLISARIO would participate in the identification of all applicants members of subfractions that were represented in the 1974 census, being those for which a list of sheikhs or alternates has already been drawn up. However, the Frente POLISARIO would not participate in the processing of applicants from H41, H61 and J51/52 tribal groups, which were not represented by subfraction in the 1974 census, since it held the view that, under the established criteria, applications from persons other than those belonging to subfractions specifically represented in the census were not admissible. Moreover, the Frente POLISARIO was not able to present sheikhs or alternates for such groups. Furthermore, the Frente POLISARIO would strongly oppose any attempt to identify such applicants with the participation of a sheikh from one side only. In such an event, it would be compelled to withdraw from the entire process, Mr. Bachir indicated to my Special Envoy.

10. While noting that the Frente POLISARIO would be ready to resume the identification operation on that basis, Mr. Bachir called for urgent steps to be taken to restore confidence in the referendum process. In particular, he mentioned the need for more transparency in the work of the Identification Commission. While agreeing to the need for transparency, my Special Envoy rejected any notion that the Commission had failed to observe complete impartiality in the performance of its tasks.

11. As regards the possibility of talks, whether direct or indirect, as a mechanism for resolving differences, Morocco, while not totally opposed, was of the opinion, bearing in mind past experience of such encounters, that a dialogue between the two parties would not serve much purpose at this stage and might even complicate the situation. For its part, the Frente POLISARIO strongly favoured talks as a means of re-establishing confidence between the parties. In this connection, the Secretary-General of the Frente POLISARIO said that he would be ready to enter into talks in any format agreeable to both parties, whether direct or indirect, and under the auspices of the United Nations or with the help of a "contact group", which could consist of regional and non-regional States. My Special Envoy confirmed to both parties my continued readiness to offer auspices for a dialogue and to assist in any other way possible in bringing about constructive contacts between them.

12. During meetings in Nouakchott and Algiers, leaders of the two observer countries confirmed to my Special Envoy their continuing strong interest in a speedy settlement of the Western Saharan conflict as a fundamental prerequisite for the stability and development of the region.

13. From the Mauritanian point of view, MINURSO plays an essential role both militarily and politically in the search for a solution to the conflict. Mauritania is deeply concerned that the retrenchment or withdrawal of the Mission would have dangerous consequences. It was explained that Mauritania's position is one of neutrality and that it is encouraging both parties to make every effort, including through direct contacts, to move towards a solution. The Government stands ready to cooperate fully with MINURSO in the context of the settlement plan. In this connection, I am grateful to the President of Mauritania for acceding to my Special Envoy's request for the establishment of a second identification centre in Zouerate in the north-eastern part of the

country, in addition to the centre due to be established at Attar. This should help to expedite the identification of applicants resident in Mauritania.

14. The Algerian authorities also expressed strong concern about the potentially devastating effects on the stability of the whole region should MINURSO be withdrawn. They also stressed the importance of not losing sight of the nature of the conflict as a decolonization problem and the need for the United Nations to uphold the principles involved. While insisting that adherence to the settlement plan was imperative, Algeria continued to take the view that direct talks between the parties was an essential corollary to the plan also to help to instil the necessary confidence in the process. In particular, it was felt that dialogue between the parties ought to address sensitive issues pertaining to the post-referendum period. Algeria reaffirmed its readiness to assist in any way possible with a view to advancing the implementation of the plan.

15. During an overnight stop in Laayoune (6/7 January) my Special Envoy had the opportunity to meet with the Chairman of the Identification Commission and some of its members. This encounter reinforced his impression that, on the whole, the Commission is performing its difficult task with the utmost regard for fairness and impartiality. The task of the Commission is not rendered any easier by the parties' critical scrutiny of its work and allegations impugning the integrity of individual members.

16. My Special Envoy also discussed with my Acting Special Representative and the Chairman of the Identification Commission possible ways of increasing the transparency of the identification process. It was concluded that this could contribute to reducing mistrust and suspicion and serve to instil more confidence in the process. To that end, it was agreed that the Commission would make arrangements to share with both parties, in a suitable format, list of applicants identified so far as eligible to vote as well as a list of applicants still to be identified.

17. Following the conclusion of my Special Envoy's visit to the region, my Acting Special Representative briefed the Moroccan side of the discussions in Tindouf.

III. WORK OF THE IDENTIFICATION COMMISSION

18. My Special Envoy's mission took place against the background of the near standstill of the identification process resulting from the Frente POLISARIO's decision not to participate in the identification of certain groups as communicated to the President of the Security Council at the end of August 1995. As a consequence, only 7,935 persons have been identified since 1 September 1995, bringing the total number of persons identified to 60,257 out of 76,992 convoked.

19. Identification took place during this period at only two centres: Laayoune in Western Sahara and El-Aaiun camp near Tindouf. Two centres in the Territory (Boujdour and Dakhla) and one in the Tindouf area (Smara camp) are not operating because subfractions belonging to the tribal groups Tribus del Norte (H),

Chorfa (I) and Costeras y del Sur (J), considered contentious by Frente POLISARIO as of August, are the only ones for which a significant number of persons remains to be identified. Morocco, therefore, refused to participate in the identification of applicants in two centres in the Tindouf area (Awsard camp and Dajla camp) and the Frente POLISARIO at one centre in Western Sahara (Smara). Until 8 November 1995, identification took place in Laayoune centre every working day except for the three days when the representatives of the Frente POLISARIO refused to submit to the new security procedures installed by the Moroccan authorities at Laayoune airport. Identification in Laayoune centre ceased as of 9 November because the scheduled H11 subfraction (Ait Hamad, Ait Iasin) was contested by Frente POLISARIO. However, Morocco did not reciprocate and, until 22 December, identification continued in El-Aaiun camp on most working days, with a few interruptions due mostly to difficulties in having the Frente POLISARIO sheikhs required promptly available.

20. With some 174,000 applicants remaining to be convoked for identification at the time of preparation of the present report, it is clear that even if the identification were to be immediately resumed and accelerated, the earlier forecast calling for a referendum to be held in May 1996 is no longer realistic.

IV. MILITARY COMPONENT

21. As of 10 January 1996, the military component of MINURSO, headed by the Force Commander, Brigadier-General André Van Baelen (Belgium), totalled 288, comprising 240 military observers and 48 military support personnel (see annex I). Pending the fulfilment of the conditions necessary for the commencement of the transitional period, the military mandate of MINURSO remains restricted to monitoring and verifying the cease-fire, which came into effect on 6 September 1991.

22. During the reporting period, the cease-fire was violated on one occasion. The violation was an attempt by the Frente POLISARIO to restrict the movement of military observers. A regional Frente POLISARIO Commander informed MINURSO that there could be no overflight of their units or the conduct of aerial reconnaissance. The situation was resolved after discussions with those responsible. The Frente POLISARIO reported four Moroccan overflights, which MINURSO was unable to confirm. As in the past, these alleged overflights took place in the vicinity of international air corridors. An incident was confirmed by MINURSO of a helicopter flying near Teamsite Mijek but it was impossible to establish the aircraft's origin.

V. CIVIL POLICE COMPONENT

23. Brigadier-General Walter Fallmann (Austria) assumed his duties as Civil Police Commissioner on 4 January 1996. The present strength of MINURSO Civil Police (CIVPOL) is 91 (see annex II). If the number of identification centres increases then, CIVPOL will require reinforcement accordingly. The tasks of CIVPOL remain, until further notice, providing technical assistance to the Identification Commission as well as maintaining a 24-hour presence at all identification centres.

VI. OTHER ASPECTS RELEVANT TO THE FULFILMENT OF THE SETTLEMENT PLAN

1. Independent jurist and release of political prisoners and detainees

24. Professor Emmanuel Roucounas, the Independent Jurist, met with the Moroccan authorities in Rabat on 14 September 1995, at which time he submitted a list of names. My Acting Special Representative has since addressed two notes verbales, dated 22 October and 13 November 1995, to the Government of Morocco regarding a possible further visit by the Independent Jurist.

2. Exchange of Prisoners-of-War

25. On 19 November 1995, 186 Moroccan prisoners-of-war were repatriated with the assistance of the International Committee of the Red Cross (ICRC) and the Governments of the United States of America and Argentina.

3. Code of conduct

26. The revised code of conduct was addressed to the two parties on 17 August 1995. In a letter dated 22 August, the Frente POLISARIO's Coordinator with MINURSO, Mr. Bachir, informed my Acting Special Representative that the Frente POLISARIO considered the new version unacceptable. The Government of Morocco also indicated its dissatisfaction. Following notes verbales sent to both parties by my Acting Special Representative on 29 September and 4 December 1995, respectively, asking for detailed comments, Mr. Bachir submitted comprehensive observations and a revised text of the code of conduct by letter dated 5 December 1995. The considered comments of the Government of Morocco were received in Laayoune on 12 January 1996.

VII. OBSERVATIONS

27. As indicated in paragraph 9 above, my Special Envoy's mission has resulted in agreement of the Frente POLISARIO to participate in the identification of a significant number of applicants about whom it had earlier expressed reservations. Specifically, the Frente POLISARIO has agreed to proceed with the identification of all applicants, irrespective of their place of residence, who are members of subfractions included in the 1974 census i.e. subfractions for which lists of sheikhs or alternates from both parties have already been established. This should permit a meaningful resumption of the identification process. However, for reasons mentioned in paragraph 9 of this report, the Frente POLISARIO continued to decline to cooperate in the identification of another large group of applicants i.e. those appearing under the codes H41, H61 and J51/52 in the 1974 census, except for those few who are eligible by virtue of their inclusion in the 1974 census.

28. Morocco maintains that all applicants must be processed without discrimination as to the format or treatment by the Identification Commission.

Indeed, the Commission is required to process all the remaining applications on this basis and indeed intends to do so. In his discussions with Frente POLISARIO, my Special Envoy emphasized that the Identification Commission was obliged to process all applications submitted before the expiry of the relevant deadline. He also insisted that, under the settlement plan, the parties were duty-bound to cooperate in the identification of all applicants.

29. My Acting Special Representative has advised me that, if both parties were to cooperate fully with the Identification Commission, it ought to be possible for each Identification Centre to process some 750 persons per week. Consequently, if the Identification Commission were to be expanded to a total of 11 identification centres, as called for in MINURSO's planning, the capacity of the Commission would be in excess of 8,000 applicants per week. It would then be possible, at least in theory, to complete the identification of all remaining applicants, numbering approximately 174,000, in 22 weeks or so; or, - perhaps more realistically in the light of past experience - if for unavoidable reasons, the Commission were to operate only at half capacity, in about 44 weeks. Depending on the actual numbers involved, a further period of several weeks would have to be allowed for the consideration of appeals against the decisions of the Identification Commission. It follows, therefore, that a period ranging from six months to one year would be required, in this scenario, to complete the identification process.

30. The assumptions made in the previous paragraph are predicated on the willingness of the parties scrupulously to respect the detailed programme of work that would be established by the Identification Commission. In each instance the sheikhs required, the party representatives and the Organization of African Unity (OAU) observers will have to be present at the hours stated and remain until the identification is completed for all those to be identified on a particular day. The necessary travel will have to take place on Fridays and Sundays if the programme is to be fully implemented and it will be for the parties to ensure that their sheikhs and representatives are available where and when scheduled, notwithstanding the inconvenience that this may cause, especially during the month of Ramadan.

31. On the issue of establishing a dialogue between the parties, I have noted the strong support expressed by the two observer countries during my Special Envoy's visit to their capitals. While I remain at the full disposal of the parties, should they agree to hold talks in whatever format, in order to facilitate a settlement of their conflict, the Security Council as a whole or individual Member States may also wish to consider possible ways and means of assisting the parties in this regard. Such talks could help in creating confidence between the parties and provide a momentum to the peace process. The contacts between the parties could be arranged on a confidential basis.

32. I should also like to refer to the recognition by the Council of the fact, reiterated in its resolution 1033 (1995), that for progress to be achieved, the two parties must have a vision of the post-referendum period. This aspect needs to be pursued. I should like to encourage all concerned to make the necessary efforts to help the parties to achieve such vision.

33. I am conscious that there are other aspects of the settlement plan that need to be addressed with vigour and urgency and which, as the Council is aware, will not be at all easy to resolve, such as the code of conduct, confinement of troops, exchange of prisoners-of-war, and so on. Now that the newly arrived Chairman of the Identification Commission has had adequate time to familiarize himself with the complexity of his functions, I have instructed my Acting Special Representative to redouble his efforts to resolve these issues.

34. In the light of the results of my Special Envoy's mission and other relevant circumstances described in the present report, the Council may wish to consider, as one option, extending the mandate of MINURSO for four months ending on 31 May 1996. This should give enough time for the resumption of the identification process and an opportunity to test the political will of the parties in deed rather than merely in words. For my part, I would closely monitor the situation. If at any time before the expiry of the extended mandate I were to find that the situation was showing no or very little improvement, I would immediately bring the matter to the attention of the Council.

35. I should like to emphasize, however, that the situation of stalemate that arose in December 1995 will in all probability confront us in a few months time if and when the Identification Commission succeeds in completing the processing of the applicants in accordance with the agreement reached during my Special Envoy's visit. At that time, the problem of finding a formula acceptable to both parties for dealing with the remaining caseload will arise once again, presenting the same kind of challenge as in December last year. I shall continue my endeavour to find common ground between the two parties, but it is equally important for all those Member States in a position to do so to exert efforts in the same direction.

36. As a possible second option, the Security Council might conclude that it could not justify a further extension without imposing conditions in terms of solutions to outstanding problems by specified dates, and that, consequently, plans should be prepared for a phased withdrawal of MINURSO. My Special Envoy has unambiguously apprised the parties and observer States of the sense of frustration felt by the Council at the periodic and predictable breakdowns in the process, and at the absence of even a reasonably clear indication of when the process might come to an end. He has further conveyed to them the readiness of the Council, however reluctantly, to contemplate the withdrawal of the Mission. The responsibility would rest fully with the parties.

37. However, I share the concern expressed to my Special Envoy by the parties, and even more so by the observer States, at the possibility of the Security Council considering phasing down, and eventually even closing down, MINURSO. I fear that such action could have destabilizing consequences for the region.

Annex I

Composition of MINURSO military component

A. Military observers

Argentina	2
Austria	4
Bangladesh	7
Belgium	1
China	20
Egypt	12
El Salvador	2
France	27
Ghana	6
Greece	1
Guinea	3
Honduras	14
Ireland	9
Italy	6
Kenya	10
Malaysia	15
Nigeria	4
Pakistan	5
Poland	3
Republic of Korea	2
Russian Federation	30
Tunisia	9
Uruguay	15
United States of America	30
Venezuela	3
Total	240

B. Military support personnel

(i)	Medical Unit: Republic of Korea	40
(ii)	Clerical: Ghana	8
	Total	48
	Grand total	288

Annex II

Composition of MINURSO Civil Police component

Country	Number
Austria	11
Egypt	11
Germany	4
Ghana	8
Hungary	13
Ireland	14
Nigeria	10
Norway	2
Togo	8
Uruguay	10
Total	91
Recommended strength	92

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REPORT OF THE SECRETARY-GENERAL ON THE SITUATION CONCERNING WESTERN SAHARA

Corrigendum

1. Paragraphs 4, 9, 19, 37 and 38

   Not applicable to English.

2. Paragraphs 8 and 9

   Not applicable to English.

3. Paragraph 12

   Not applicable to English.

4. Paragraph 13, penultimate line

   For Attar read Atar

5. Paragraphs 15, 19 and 26

   Not applicable to English.

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